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EXAMINER

DURNFORD GESZVAIN, DILLON

ART UNIT PAPER NUMBER

2615

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/049,355	Applicant(s) WOLF ET AL.	
	Examiner Dillon Durnford-Geszvain	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Specifically, the link to the Digital Imaging Group webpage on page 5 line 20.

Response to Arguments

1. Applicant's arguments filed May 9th 2005 have been fully considered but they are not persuasive. The applicant states in their argument in paragraph 3 of page 6 that "... Tomat et al. nowhere describes 'automatically transferring the plurality of captured image files in the memory to the host computer in accordance with an assigned priority without a user request' " The applicants attention is drawn to Columns 7 and 8 of Tomat under the heading "Port Monitor". Tomat states from Column 7 line 58 to Column 8 line 5 that

"If the device is determined to be a compatible camera, flow proceeds to step S406, wherein a camera icon is displayed on the Windows95 desktop. ... After Camera icon 40 is displayed, each thumbnail image file stored in the camera 14 is sequentially downloaded in step S407.

In step S409, sequential download of each full-resolution JPEG image file stored in camera 14 begins."

Art Unit: 2615

It is clear to the examiner from this passage that download of the full-resolution images is done *automatically without a user request when the port monitor detects a compatible camera.*

The applicant argues further that full resolution images are only downloaded when the user request them to be downloaded by opening the user interface window 44 and clicking on the GET PHOTOS button 46. However, the user interface window 44 and the GET PHOTOS button 46 are a different aspect of the invention disclosed by Tomat et al. from the port monitor aspect of the invention. The Examiner cannot find the section in which Tomat et al. describes the need for the user to open the user interface window 44 and select the GET PHOTOS button 46 in order for flow to move from step S407 to step S409. It is also described in the summary of the invention as a separate aspect of the invention from the user interface as can be seen in lines 32-52 of Column 2.

The applicant argues in paragraph 4 of page 6 that "The Tomat et al. disclosure is clearly contrary to the spirit and purpose of applicants' invention and does nothing to solve the problem addressed by the invention[.]" The problem as stated in the application is that "When a user requests the image transfer, the entire transfer must be completed before the host computer can operate on a requested image file." However, Tomat et al. states in the "Summary of the Invention" when referring to the port monitor that "Due to the automatic caching of files stored in a detected camera, the invention allows multiple client applications to access quickly files from the digital camera by diversion of requests for access to the cache." The Examiner takes this to mean that the

host computer can operate on a requested image file without having to wait for the transfer to be complete. Therefore the Examiner finds that Tomat et al. is not contrary to the spirit of the applicants' invention.

As to the applicants argument in paragraph 1 of page 7 that states again that a user must perform two requests to move from step S407 to step S409 the Examiner could not find support for this in the specification. It is not shown in Fig. 4 as the applicant suggests when stating that "This conclusion is supported by FIG. 4 of Tomat et al., where thumbnails are downloaded sequentially (S407) and then (after two user requests – see the preceding paragraphs of these Remarks), the full resolution images are downloaded sequentially." The examiner does not find in the specification of Tomat et al. where the applicant finds support for claiming that it is only after two user requests that flow moves from step S407 to step S409. In the cited section (Column 8 line 66 through Column 9 line 5) the specification says that "The port monitor also monitors user selection of icon 40. If icon 40 is selected, the port monitor launches a toolbox application according to the present invention." The use of the word "also" in the above phrase leads the Examiner to believe that the port monitor monitoring the user selection of the camera icon 40 is separate and different from the process that it performs as described in the section labeled "Port Monitor"

As for the applicants citation of Column 12 lines 46-51 in regard to the GET PHOTOS button. The applicant asserts that the GET PHOTOS button 46 "must" be selected in order for files to be downloaded. The Examiner does not see where in the "Get Photos" section, let alone in the cited passage, where Tomat et al. discloses that

Art Unit: 2615

the user **must** select the GET PHOTOS button 46 in order for images to be downloaded.

As to the interruption of the image transfer to transfer a specific image, as has been discussed above, the full-resolution image transfer is automatic and is interruptible through a focus change, after which the images are again downloaded sequentially. This meets the limitations set forth in part d of claim 1. If there is a focus change at step S411 the current image download is completed in step S414; the selected image file is transferred in step S415; and finally after the user requested file is transferred the remaining untransferred files are transferred to the host computer sequentially in steps S416 and S409.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-4** and **6-10** are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,784,925 (Tomat et al.)

As to claim 1, Tomat et al. teaches a method for transferring to a host computer 2 a plurality of image files captured by a digital camera 14 in accordance with an assigned priority and permitting interruption of such transfer to operate on an untransferred image, the method comprising the steps of:

(a) storing the plurality of captured image files in a memory in the digital camera (Column 7 lines 8-10);

b) coupling the memory to the host computer so that the host computer identifies the plurality of captured image files (Column 7 lines 25-39);

(c) automatically transferring the plurality of captured image files in the memory to the host computer in accordance with an assigned priority without a user request (Column 7 lines 29-39 note that the process of fig. 4 is also used to receive full resolution images as well as thumbnails, therefore since thumbnails are downloaded automatically so are full size images); and

(d) interrupting the image file transfer when a user requests (i.e. changes focus) the host computer to operate on a particular untransferred image file (step S 411) and returning to the remaining portion of the untransferred image files after the user requested image file is transferred (step S415) so that the remaining untransferred image files are transferred to the host computer (step S416 see Column 8 lines 1-27).

As to claim 2, see the rejection of claim 1 and note that Tomat et al. further teaches the method of claim 1 wherein the interruption step further includes determining if an image file has already been transferred or if it is only present in the memory in the

Art Unit: 2615

digital camera (the port monitor does this as is taught in Column 8 lines 45-49), and if the image file has been transferred, operating on such transferred image file, but if the image file has not been transferred, transferring the image file to the host computer and then operating on the transferred image file (Column 8 lines 35-42).

As to claim 3, see the rejection of claim 1 and note that Tomat et al. further teaches the method of claim 1 wherein the memory is a removable memory card (Column 8 lines 55-57).

As to claim 4, see the rejection of claim 1 and note that Tomat et al. further teaches the method of claim 1 wherein the memory is PCMCIA (Column 8 lines 55-59).

As to claim 6, see the rejection of claim 1, and note that Tomat et al. further teaches the method of claim 1 wherein the host computer identifies the digital camera memory as though it were a file system of an additional hard drive memory for accessing the image files (see Fig. 22 and Column 14 lines 54-65).

Note that Fig. 22 clearly shows the camera as a drive in the Explorer window as it would any other hard drive or disk drive.

As to claim 7, Tomat et al. teaches a method for transferring to a host computer 2 a plurality of image files captured by a digital camera 14 in accordance with an assigned priority and permitting interruption of such transfer to operate on an untransferred

Art Unit: 2615

image, the method comprising the steps of:

- (a) capturing a plurality of images (Column 6 lines 10 and 11);
- (b) processing the captured images in order to produce rendered full size image data (Column 6 lines 11-14);
- (c) storing the rendered full size image data as a plurality of captured image files in a memory in the digital camera, wherein each image file includes at least the rendered full size image data (Column 7 lines 8-11);
- (d) coupling the memory to the host computer so that the host computer identifies the plurality of captured image files (Column 7 lines 25-39);
- (e) automatically transferring the plurality of captured image files in the memory to the host computer in accordance with an assigned priority without a user request (this has been discussed at length in the "Response to Arguments" section above. See Column 7 line 58 to Column 8 line 5 and Column 2 lines 32-46); and
- (f) interrupting the image file transfer when a user requests the host computer to operate on a particular untransferred image file (i.e. changing the focus; see step S411, S414 and S415; also see Column 8 lines 1-12) and returning to the remaining portion of the untransferred image files after the user requested image file is transferred so that the remaining untransferred image files are transferred to the host computer (see step S416 and Column 8 lines 24-27).

As to claim 8, see the rejection of claim 7 and note that Tomat et al. further teaches a method for transferring images to a host computer wherein the interruption

step further includes determining if an image file has already been transferred or if it is only present in the memory in the digital camera, and if the image file has been transferred, operating on such transferred image file, but if the image file has not been transferred, transferring the image file to the host computer and then operating on the transferred image file (Column 8 lines 44-41).

Note that although Tomat et al. does not say that if a file has already been downloaded it is implied from the language in the cited passage. Most notably where it recites "the port monitor delivers requested files to client applications from the cache memory[.]" Read as if a file has already been downloaded it is accessed from the cache memory and not downloaded from the camera again, hence the image that has already been transferred is operated on as in the claim.

As to claim 9, see the rejection of claim 7 and note that Tomat et al. further teaches a method for transferring images to a host computer further including the step of storing the transferred images into a predetermined location of a host computer memory (i.e. cache memory as stated in Column 8 lines 35-40) and when the user requests the host computer to operate on a particular image file stored in the host computer memory, the transfer of the image files is uninterrupted (Column 8 lines 42-49).

Note that since the port monitor directs request from client applications for access to images to the cache memory both during and after execution of steps S406 to S416 it is interpreted as performing these steps while it directs client applications to the

cache memory. Therefore leaving the processes S406 to S416 uninterrupted.

As to claim 10, see the rejection of claim 7 and note that Tomat et al further teaches a method for transferring images to a host computer wherein the host computer identifies the digital camera memory as though it were a file system of an additional hard drive memory for accessing the image files (see Fig. 22 and Column 14 lines 54-65).

Note that Fig. 22 clearly shows the camera as a drive in the Explorer window as it would any other hard drive or disk drive.

Claim Rejections - 35 USC § 103

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2615

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,784,925 (Tomat et al.) in view of US 5,848,420 (Xu).

See the rejection of claim 1 and note that what Tomat et al. does not teach is storing downloaded images in a predetermined location of the host computer memory. However, Xu teaches a pre-allocated portion of the computer memory 92. The downloaded information is stored sequentially S8 in the dynamic file directory 120 by the software (Column 4 lines 40-45). Furthermore, Xu describes that when the user requests the host computer to operate on a particular image file stored in the host computer memory (Column 5 lines 39-47), the transfer of the image files is uninterrupted (Column 2 lines 33-36). Therefore it would have been obvious to one of ordinary skill at the time the invention was made to have combined the method of automatically transferring images of Tomat et al. with the ability to operate on an image which has already been downloaded without interrupting the ongoing image file transfer as this would allow for faster access to individual pictures as well as all of the pictures from the digital camera.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,784,925 (Tomat et al.) in view of the Examiners Official Notice.

As to claim 11, see the rejection of claim 7 and note that what Tomat et al. does not teach is performing color interpolation followed by color or tone correction, however,

Art Unit: 2615

examiner takes official notice that performing these steps during image processing was old and well known at the time the invention was made. Therefore it would have been obvious to add these steps to any signal processing that is already done by the camera disclosed in Tomat et al. as this would provide a higher quality image.

As to claim 12, see the rejection of claim 7 and note that Tomat et al. does not teach producing rendered sRGB data for full sized images, however, the Examiner takes Official Notice that using sRGB data for representing images was old and well known at the time of the invention. Therefore it would have been obvious to one of ordinary skill in the art to represent the images produced by the camera of Tomat et al. with sRGB data, as this would provide a higher quality image.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dillon Durnford-Geszvain

8/16/2005


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